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OFFICE OF PETITIONS

In re Application of
Miao
Application No. 10/616,840
Filed: July 10, 2003
Attorney Docket No. N/A
For: DUAL-MODE TRANSCEIVER FOR
INDOOR AND OUTDOOR ULTRA
WIDEBAND COMMUNICATIONS

DECISION ON
PETITION

This is a decision on the petition, filed October 29, 2003 (certificate of mailing date October 27, 2003), requesting that Figure 30 be accorded a filing date of July 10, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on July 10, 2003. On October 14, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Nonprovisional Application" informing petitioner that Figure 30, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 30 be accorded a filing date of July 10, 2003 on the basis that 30 sheets of drawing figures, including Figure 30, were received in the Patent and Trademark Office (PTO) on July 10, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 10, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 30 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 30 sheets of drawing figures were filed on July 10, 2003. MPEP 503. A review of the application file reveals that there are 29 sheets of drawing figures depicting Figures 1 - 29 present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**.

Pursuant to petitioner's request, the \$130.00 petition fee submitted with the instant petition will be refunded by way of treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 10, 2003**, using the copy of Figure 30 submitted with the instant petition. Office records will be corrected to show that 30 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions